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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/500,642	07/01/2004	Edward Edwardo Tapanes	13070.22	2876		
22913	7590	02/15/2008	EXAMINER			
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111				BEDTELYON, JOHN M		
ART UNIT		PAPER NUMBER				
2874						
MAIL DATE		DELIVERY MODE				
02/15/2008		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,642	TAPANES, EDWARD EDWARDO	
	Examiner	Art Unit	
	JOHN M. BEDTELYON	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 January 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-11 is/are allowed.
 6) Claim(s) 12,13 and 15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 November 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/07 and 01/29/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Response to Amendment

1. This action is responsive to the amendment and remarks filed on 11/21/07.

Claims 1 and 12 were amended. Claim 14 was canceled. Claim 15 was added.

Claims 1-13 and 15 are currently pending in the application.

Response to Arguments

2. Applicant's arguments filed 11/21/07, with respect to the rejection under 35 USC 102(b) have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed the Applicant's remarks but believes the cited prior art reference reasonably and completely meets the claimed limitations.

3. The Applicant's primary argument is that Tapanes (WO 00/37925) does not teach the separate optical fibers being disposed in separate cables.

4. The Examiner respectfully disagrees. The Applicant is giving too narrow a definition to the term "cable". The Fiber Optics Illustrated Dictionary: Comprehensive Encyclopedic Reference by Julie K. Petersen (ISBN: 084931349X) gives the definition of cable as "Wire, fiber, or other conductive material in single or multiple (bundled) strands used for the transmission of light, heat, electricity, or data." In view of this definition, the separate optical fiber strands in the Tapanes reference is reasonably be considered optical cables, wherein each is made up of the optical fiber waveguide.

Information Disclosure Statement

5. The information disclosure statements (IDS) submitted on 11/26/07 and 1/29/08 are being considered by the examiner.

Drawings

6. The drawings were received on 11/21/07. These drawings are accepted.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 12, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tapanes (WO 00/37925, hereinafter Tapanes).

With respect to claim 12, Tapanes teaches:

A below ground perimeter security system (page 6, lines 8-12) including:

A first cable containing at least one first waveguide (10a or 10c);

A second cable containing at least one second waveguide (14, see figure 3);

The first and second cables being arranged below ground level and in spaced apart relationship relative to one another to define a barrier region which, should the region be traversed at ground level, will result in detection of the traversing of that barrier region (see figure 3, page 6, lines 6-12);

Means for launching light (20) into the first and second waveguides (using couplers (24, 26a and 26b) so that light is able to circulate through the first and second waveguides in counter propagating manner (see figure 3 and page 23, line 8 – page 24, line 34) (or alternatively light is reflected from respective ends of the first and second waveguides and propagate back along the respective first and second waveguides into which the light was launched);

Means for receiving the light from the first and second waveguides so that the light can interfere (couplers (26a and 26b), the light will interfere with the disturbance in the optical fibers when there's an intrusion across the barrier region);

A detector (30a, 30b) for detecting the interfering light from the first and second waveguides to detect a change in a parameter of the light propagating through the first and second waveguides due to the traversing of the barrier region to provide and indication of an intrusion across the barrier region (page 23 line 8 – page 24, line 34);

The first and second waveguides being sensitive waveguides and forming a sensor for detecting a breach of the barrier region (page 6, lines 6-12).

With respect to claims 13 and 15, Tapanes teaches:

Wherein the first and second waveguides are coupled together by a coupler (60) so that the light circulates through the waveguides in counter propagating manner to enable not only the detection of intrusion, but also the location of the intrusion (page 23, line 8 – page 24, line 34).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. BEDTELYON whose telephone number is (571)270-1290. The examiner can normally be reached on Monday - Friday, 10:00am - 6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Bedtelyon/
Examiner, Art Unit 2874

/Kevin S Wood/
Primary Examiner, Art Unit 2874